

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL HENRY,)	
)	
Plaintiff,)	
)	
v.)	
)	No.
UNITED STATES OF AMERICA,)	
KWAME RAOUL, ILLINOIS ATTORNEY)	Judge
GENERAL, U.S. ATTORNEY GREGORY)	
K. HARRIS, U.S. ATTORNEY STEVEN)	(Formerly case no. 2022-M5-000753 (Cir.
WEINHOEFT, U.S. ATTORNEY JOHN R.)	Ct. Cook County)
LAUSCH, Jr., ORLAND PARK ILLINOIS,)	
a Municipal Government Under Illinois Law,)	
ILLINOIS BAR ASSOCIATION,)	
)	
Defendants.)	

NOTICE OF REMOVAL

To:	Michael Henry	Circuit Court Clerk of
	P.O. Box 21	Cook County
	Palos Park, Illinois 60464	10220 S. 76th Avenue
		Bridgeview Courthouse
		Room 205L
		Bridgeview, Illinois 60455

Defendants United States of America, U.S. Attorney Gregory K. Harris, U.S. Attorney Steven Weinhoeft, and U.S. Attorney John R. Lausch, Jr., by their attorney, John R. Lausch, Jr., United States Attorney for the Northern District of Illinois, submit this notice of removal of the above-captioned civil action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to 28 U.S.C. §1442(a)(1), and in support states the following:

1. On February 14, 2022, plaintiff Michael Henry filed a complaint in state court against the United States and three United States Attorneys, seeking declaratory relief against the

United States and the United States Attorneys for the Northern, Central, and Southern Districts of Illinois for tortious acts committed by federal employees, specifically an alleged failure to monitor and enforce the application of Illinois *state* contract bidding laws. Ex. 1, Compl. at 8-9. Prior to filing the state court complaint, the district court for the Central District of Illinois dismissed with prejudice a virtually identical lawsuit filed by Henry against the United States in January 2022. *Henry v. United States, et al.*, No. 21 C 3244 (C.D. Ill.), Dkt. 52 (copy attached as Ex. 2).

2. Henry's state court tort complaint against the United States and its attorneys is therefore subject to removal to this court pursuant to 28 U.S.C. § 1442(a)(1) as an action against an agency or officer under the direction of an agency or officers of the United States for actions under color of law.

3. Sovereign immunity ordinarily shields the federal government, its agencies, and its officials from lawsuits. *FDIC v. Meyer*, 510 U.S. 471, 475 (1994). Furthermore, a party seeking to invoke state court jurisdiction over the United States (or its agencies) has the burden of pointing to a congressional act that gives such consent to suit. *Cole v. United States*, 657 F.2d 107, 109 (7th Cir. 1981). There is no provision giving the state courts jurisdiction over Henry's declaratory judgment action against United States Attorneys. Nor is there state court jurisdiction over tort claims against the United States (if that is what plaintiff asserts), and in fact, the Federal Tort Claims Act requires that all such tort actions against the United States be filed in *federal* district court. 28 U.S.C. § 1346(b)(1); *Alinsky v. United States*, 415 F.3d 639, 643 (7th Cir. 2005) (concluding that the FTCA grants federal courts jurisdiction over damages claims against the United States for negligence by a government employee); *Midwest Knitting Mills, Inc. v. United States*, 950 F.2d 1295, 1297 (7th Cir. 1991) (asserting that district courts have exclusive jurisdiction over FTCA claims against the United States for injuries).

4. Because the state court lacked jurisdiction over the United States and its officials, this court acquires no jurisdiction upon removal, and Henry's state court action against the federal defendants should be dismissed. *Ricci v. Salzman*, 976 F.3d 768, 771 (7th Cir. 2020); *Edwards v. Department of Justice*, 43 F.3d 312, 316 (7th Cir. 1994); *Illinois v. Holmes*, 2017 WL 2345631, *2 (N.D. Ill. May 30, 2017); *Ferto v. Fielder*, 2010 WL 3168293, *2 (N.D. Ill., Aug. 5, 2010); *Dunne v. Hunt*, 2006 WL 1371445, *4 (N.D. Ill., May 16, 2006).

5. Copies of all process, pleadings, and orders received by the United States are attached hereto as Exhibit 1.

WHEREFORE, this civil action against the United States is properly removed to this court pursuant to 28 U.S.C. § 1442(a).

Respectfully submitted,

JOHN R. LAUSCH, Jr.
United States Attorney

By: s/ Ernest Y. Ling

ERNEST Y. LING
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-5870
ernest.ling@usdoj.gov

Exhibit 1

FILED DATE: 2/14/2022 1:53 PM 20225000753

FILED
2/14/2022 1:53 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
20225000753
Courtroom, 0205
16695742

IN THE CIRCUIT COURT OF COOK COUNTY,
ILLINOIS
COUNTY DEPARTMENT CIVIL DIVISION
BRIDGEVIEW ILLINOIS.

MICHAEL HENRY,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No
)	
UNITED STATES OF AMERICA)	20225000753
KWAME RAOUL – ILLINOIS)	
ATTORNEY GENERAL)	
US Attorney Gregory K. Harris)	
US Attorney STEVEN WEINHOEFT)	
US Attorney John R. Lausch Jr)	
Orland Park Illinois a Municipal)	
Government under Illinois Law)	
Illinois Bar Association)	
Defendants.)	

Lawsuit for declaratory Judgment that Illinois Public Bid laws are unconstitutional for their Violation of the 14th Amendment of the United States Constitution and the Village of Orland Park Violated Illinois law and the US Constitution.

NATURE OF THE CASE AND OVERVIEW

1. This suit is Brought against the State of Illinois and seeks to have 2 Public bid laws in Illinois Declared unconstitutional because they Violate the 14th amendment of the United States Constitution.
- In a history of self dealing the Illinois House and Senate Politicians have again established and continued the history self dealing and Illegal activities. And most of these officials are lawyers.
2. In an attempt to circumvent public scrutiny they put an exception into

the law and the House and Senate of Illinois insured special Illegal Treatment for Lawyers. They created a law that is not applied evenly across to the State of Illinois and this is a violation of the 14th Amendment to the United States Constitution.

(70 ILCS 705/11k)

Sec. 11k. Competitive bidding; notice requirements.

(a) The board of trustees shall have the power to acquire by gift, legacy, or purchase any personal property necessary for its corporate purposes provided that all contracts for supplies, materials, or work involving an expenditure in excess of \$20,000 shall be let to the lowest responsible bidder after advertising as required under subsection (b) of this Section. The board is not required to accept a bid that does not meet the district's established specifications, terms of delivery, quality, and serviceability requirements. Contracts which, by their nature, are not adapted to award by competitive bidding, are not subject to competitive bidding, including, but not limited to:

(1) contracts for the services of individuals

possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;

a. In Clarendon Hills Illinois this is from the ordinances

5.2: EXCEPTIONS TO COMPETITIVE BID REQUIREMENTS:

1. Contracts which by their nature are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, auditing, contracts for utility services such as water, heat, light, telephone, engineering contracts or purchase of educational matter, shall not be subject to competitive bidding.

b. From Jacksonville Illinois we have the following

Sec. 2-495. - Exceptions to competitive bid requirements.

Contracts for the city which, by their nature, are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, auditing contracts for utility services such as water, heat, light, and/or telephone or purchasing of educational matter shall not be subject to competitive bidding.

c. From Lindenhurst Illinois we have the following

(3) Contracts which by their nature are not adaptable to award by competitive bidding are exempt, such as:

(a) Contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual is an important factor, such as auditing, accounting, architectural, engineering, and legal services; and

(b) Contracts for services, training, and educational material where the ability or fitness of the trainer and/or quality of the materials plays an important part; and

(c) Contracts for utility services, where no reasonable competitive alternatives are available, such as water, sewer, local telephone, natural gas and electric services; and

(d) Contracts with the federal government or any agency thereof or purchases under the state of Illinois joint purchasing act.

d. From Gurnee Illinois we have the following

Sec. 2-482. - Exceptions to competitive bid requirements.

Contracts which by their nature are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, auditing contracts for utility services such as water, heat, light, telephone or purchasing of educational matter shall not be subject to competitive bidding.

(Code 1977, § 4.02)

e. From Warrenville Illinois

a. Bidding Procedures And Requirements: All purchase orders or contracts of whatever nature, for labor, services or work, the purchase, lease or sale of personal property, materials, equipment or supplies involving amounts in excess of twenty thousand dollars (\$20,000.00) made by or on behalf of the city, shall be let by free and open competitive bidding after advertisement, to the lowest responsible bidder, or in the appropriate instance to the highest responsible bidder, depending upon whether the city is to expend or receive money. (Ord. 2326, 9-5-2006)

b. Exemptions From Bidding Requirements:

a. The following purchases are exempt from the requirements set forth in this section of open and competitive bidding:

(1) Purchase contracts for either labor, services, materials, equipment, or a combination thereof, which by their nature are not adaptable to award by competitive bidding, such as, but not limited to, contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, and contracts for supplies, materials, parts, or equipment which are available only from a single source.

(2) All purchase orders or contracts of whatever nature for labor, services or work, the purchase, lease or sale of personal property, materials, equipment or supplies wherein the price to be paid by the city is equal to or less than a price established by open and competitive bidding through either an agency of the federal government or an agency of the state, within one year immediately preceding the letting of the proposed contract by the city.

3. You have thousands of different interpretations of the same law due to the Failure of the Illinois Attorney General's Office to issue a detailed legal opinion and Guide local governments to comply with the United States Constitution across the 6973 Units of Local Government. Attached as Exhibits 1 through 9 are the different engagement letters documents and procedures followed by the same law firm Klein Thorpe and Jenkins, detailing the arbitrary and constant fraud caused by the Illinois Attorney generals failure to regulate and investigate public corruption of the Illinois Bid procurement laws. All of this corruption could have been prevented by a legal opinion and oversight by the Illinois Attorney General. What is clear under Illinois law and its court rulings the waiver is supposed to be scrutinized based off of the scope of work. Only 1 town so far, Mettawa, has the scope of work defined and covered the normal operations and had items like attendance to meetings, and did a fee agreement in accordance with the law to cover these monthly reoccurring charges. However Mettawa then violated the law by not waiving the collective bid requirements or they violated the law by Not

Bidding the reoccurring normal business services. **ExhibitXII-Ruling** is an Illinois Appellate ruling detailing the analysis that must be performed prior to hiring an attorney and waiving the bidding Process of Illinois law and prior to contracting for Village Legal services. Each and every Illinois Government entity failed to define the scope of work and duties required by the law to determine if an exemption to the Public Bidding process is warranted, each and every Village did have the option to waive the bidding but no option exist to not have contracts and include the scope of work and fees charged for this work.

In Wheeling Illinois the rates of the Firm are approved every time they are changed Exhibit I – Wheeling but no scope of work. In Berwyn Illinois you have 5 years of billing where the rates change but no board meetings to accept the new rates. From at least 2015 on you have no engagement letters, scope of work or fee agreementsExhibit II - Berwyn.

In Western Springs you have detailed hourly rates including prorating of time and service and strict accounting but no retention agreements and scope of work descriptions to be performed for the contracted work Exhibit III – Western Springs. At the Orland Park Library you have information that the Firm has been working with and billing them since 1974 with no fee agreements, no scope of work, no hourly rate approvals and from 1974 to the present the firm has Raised its rates from 50 dollars an hour in 1974 to 240 dollars without the knowledge of or approval by the Board ExhibitIV- Orland Library.

In Lombard Illinois the Firm has been the Attorney since 1989. In that city you have occasional letters every couple years changing the rates but no subsequent

vote or Board minutes or approval of the rates, you have no engagement letters, scope of work or fee agreements ExhibitV- Lombard. In Hinsdale you have board approval of the hiring and the rates but failure to redo the approval every year and rate approval and the firm changed its rates and service without contract approval in addition you have no engagement letters, scope of work or fee agreements. ExhibitVI - Hinsdale. In Mettawa you have a fee agreement that set monthly fee of 6500 dollars that covers all of the normal legal expenses Exhibit VII - Mettawa and all other services are detailed and approved in regular Board Meetings you do not have you have, scope of work for RFP or the waiver of bid requirements . In East Dundee You have a retainer agreement and scope of work for 1 year and nothing else you have no Continued engagement letters by years, scope of work or fee agreements Exhibit VIII – East Dundee. And in Countryside Illinois you have an initial engagement letter and fees and bills but no yearly authorization or scope of work and agreement to changes rates authorized by anyone in Countryside ExhibitIX – Countryside. And then we have Orland Park no Agreements or Board Minutes, No retainer agreements no scope of work required by Law to even establish if an Exemption can be Legally Applied and you have nothing to establish they hiring of the firm from 1970 to the Present 52 Years of fraud. You Do have a 21 Thousand dollar Payment to the Present Mayor Keith Pekau who shared the payment with Trustee Katsenes, Healy and Milani and from 2011 to the Present 6.4 Million dollars of Legal Bills paid in Violation of the Law.

4. There is no government need or public necessity to have a law in Illinois that circumvents the legislative process and allows for the arbitrary waiver of public bidding shown by the 6973 different interpretations of the law. The State of Illinois already has a simple solution in it's laws. The state allows by vote any legislative body the option by a 2/3 majority of trustees or alderman to waive the process. This simple procedure causes public debate and allows the public to monitor the expense of tax dollars. On The flipside without this checkpoint the absolute fraud and public corruption being perpetrated against at least 120 Government entities and defrauded 2.4 Million Taxpayers by the legal Profession is horrendous.

5. The facts are simple 2.4 Million Taxpayers in the State of Illinois have been defrauded by the Law Firm of Klein Thorpe and Jenkins. At least 48 Years of Documented Fraud has been presented Illinois Attorney General and the United States of America and also filed into the Central District of Illinois court Docket. In 48 Years of representing the Orland Park Library Board without authorization, board notification or approval of contracts and rates the firm of Klein, Thorpe and Jenkins Changed its' hourly rate from 60 Dollars an hour in 1974 to 240 dollars an hour in 2022 yet nowhere was the Library notified of this change and the random billing of fees to a government body is Fraud. But the Judiciary and all the other lawyers take a blind eye to this fraud and allow it to continue so in the future they might also be able to commit the

same fraud undetected by the public and taxpayers.

6. The same thing has occurred in the Village of Orland Park where the Village can produce no rates or fee agreements since 1970. In 52 Years of representing the Village of Orland Park, the Law Firm of Klein Thorpe and Jenkins, without authorization, board notification or approval of contracts and rates the firm Changed its' hourly rate from 50 Dollars an hour in 1970 to 240 dollars an hour in 2022.

7. And you now have 6,973 different interpretations of the meaning of the Law and this at it's face violates the 14th Amendment Clause of the United States Constitution. Different Interpretations of the same law are published and enforced differently by just to name a few of the following communities in the Jurisdiction of Defendants – US Attorneys John Lausch, Gregory Harris and Steven Weinhoeft. A sampling of Towns are just and example of the widespread violation of the Constitution, Pana, Illinois, Bartlett Library, Colfax Illinois, Belleville, Illinois, Arcola, Illinois. Springfield, Illinois, Kankakee, Carbondale and thousands more.

8. The simple fact is that all of these towns interpret the same law differently and that alone makes it Unconstitutional at its face and it Violates the 14th Amendment of the United States Constitution. The Fourteenth Amendment's Equal Protection Clause requires states to practice equal

protection. Equal protection forces a state to govern impartially—not draw distinctions between individuals solely on differences that are irrelevant to a legitimate governmental objective.

You cannot have 6973 different interpretations of the same law and govern impartially.

9. This suit is brought against the United States of America (“USA”) and the United States Attorney John Lausch, Gregory Harris and Steven Weinhoeft for their failure to enforce the United States Constitution and stop the illegal awarding of public contracts and services funded by the United States of America to the State of Illinois. This failure to stop the Public Corruption and violation of the public bid laws and the arbitrary application of the laws is Gross Negligence and breach of their fiduciary duties by Defendants United States Attorney John Lausch, Gregory Harris and Steven Weinhoeft Raoul.
10. The Violation of Due Process Clause of the United States Constitution and the failure of the United States of America and US Attorney Gregory K. Harris, US Attorney Steven Weinhoeft and US Attorney John R. Lausch Jr to enforce the constitution caused the Violation Of Procedural Due process.

THE LAW

11. Due process requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power. Exactly what

procedures are needed to satisfy due process, however, will vary depending on the circumstances and subject matter involved.

Article VI, Paragraph 2 of the U.S. Constitution is commonly referred to as the Supremacy Clause. It establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions. It prohibits states from interfering with the federal government's exercise of its constitutional powers, and from assuming any functions that are exclusively entrusted to the federal government. It does not, however, allow the federal government to review or veto state laws before they take effect.

12. The United States Constitution does not allow for 6973 Illinois Government entities to adopt by local Ordinances and 6973 different rules and exceptions to the act.

13. Illinois law itself Demands that the State itself requires it's agencies to bid the legal services Public Policy of Illinois law that The State enforces.

(30 ILCS 500/1-5)

Sec. 1-5. Public policy. It is the purpose of this Code and is declared to be the policy of the State that the principles of competitive bidding and economical procurement practices shall be applicable to all purchases and contracts by or for any State agency.

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/1-10)

(Text of Section from P.A. 102-175)

Sec. 1-10. Application.

(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including, but not limited to, any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 and July 1, 1998 shall be substantially in accordance with this Code and its intent.

14. Illinois law itself allows a Limited exception that does not include day to day legal services which is the subject of the Fraud Allegations. In Fact in order to exercise this exception the Agency is required to get approval from the Chief Legal Counsel to the Governor or Chief Legal Counsel from the agency seeking the waiver.

(30 ILCS 500/1-10)
(Text of Section from P.A. 102-175)
Sec. 1-10. Application.

Please refer to Section B(7)

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

15. Discrimination is rampant due to the failure of all the lawyers named as defendants in this suit to equally enforce the laws and the Constitution.

16. The 6973 local governments in Illinois unconstitutionally award and bid different Contracts based on the lack of detailed guidelines and legal opinions issued by the Illinois Attorney General.

17. This issue has not been challenged because Judges and lawyers and the Legal system at its face try to hold themselves above the law especially in Crook County Illinois.

18. 6973 Illinois Government entities arbitrarily wave bidding or arbitrary require bidding to award Government Engineering Contracts. To Build Bridges you have 4 years of College and usually a Masters Degrees and or Doctorate Degrees. In addition you must

take a grueling professional Engineer's test after working for at least a year to earn the Title of Civil Engineer. Yet engineering work is arbitrarily required to be bid based on whoever the Local attorney was at the time when the villages adopted ordinances based on failed advice of Legal Counsel.

19. 6973 Illinois Government entities arbitrarily wave bidding or arbitrary require bidding to award Government Medical Contracts. To become a doctor you have medical school and hundreds of test and then an internship and then a specialty set of classes. So a Neurosurgeon could be in school 8 years of Grade school 4 Years of College 4 Years of Medical School and 5 to 7 years of fellowship training. Yet Illinois law requires Hospital and Medical services work to arbitrarily be bid based on whoever the Local attorney was at the time where the villages adopted ordinances based on failed advice of Legal Counsel.

20. 6973 Illinois Government entities arbitrarily wave bidding or arbitrary require bidding to award Government Contracts for the Purchase of Drugs from a pharmacy. Yet it takes three to four years of undergraduate pre-professional (prerequisite) coursework, followed by four academic years in the professional program. Most students need four years to complete their prerequisite courses. Thus, it usually takes eight years of college study to earn a Pharmacy Degree. Yet Illinois law requires Pharmacy work to arbitrarily be required to be bid based on whoever the Local attorney was at the time was when the villages adopted ordinances based on failed advice of Legal Counsel.

18. The following professions all have the same issues and the laws in question are unconstitutional and Violate the rights of Certified Public Accountants, Engineers, Pharmacist, Dentist, Medical Doctors, Insurance Actuaries, Architects, Crane Operators,

Mental Health Doctors and a host of other professions.

19. The Hypocrisy of any member's of the Legal Profession and the wholesale violation of the United States Constitution by Lawyers and Judges is Staggering.
20. In the 6973 Local Government entities the lawyers all claim they are exempt from bidding of their services and instructed their employers the Local Governments with Legal opinions that this in fact the law.
21. The Legal profession is notorious for inflating their perceived Standing. When you look at the profession most lawyers take BS Flake undergraduate degrees in English or history or whatever BS degree they can procure that has nothing to do with the law. They then do 3 years of Law school and declare themselves god.
22. This court need to determine the simple fact of how it's amazing that no lawyer has followed the constitution and challenged the arbitrary and clear violations of the constitution. But then it explains why the public opinion of lawyers is they are whores available to sell themselves to the highest bidder. A legal form of Prostitution.

COUNT I

23. Mr. Henry incorporates by reference paragraphs 1 through 22 above as if fully set here.

Plaintiff Prays That This Court issues a declaratory Judgment that Illinois Attorney General Kwame Raoul failed to issue detailed Guidelines and enforce the equal application of Illinois Procurement laws causing the Violation of the United States Constitution by 6973 local government entities in Illinois and whatever other relief it sees fit to order.

COUNT II

24. Mr. Henry incorporates by reference paragraphs 1 through 232 above as if fully set here.

Plaintiff Prays That This Court issues a Ruling that that (70 ILCS 705/11k) and (65 ILCS 5/8-10-4) (from Ch. 24, par. 8-10-4) **Violate the 14th Amendment and Article VI, Paragraph 2 of the United States Constitution** and declare them unconstitutional and whatever other relief it sees fit to order.

COUNT III

25. Mr. Henry incorporates by reference paragraphs 1 through 24 above as if fully set here.

Plaintiff Prays That This Court issues a declaratory Judgment that The United States of America and it's Attorneys, US Attorneys John Lausch, Gregory Harris and Steven Weinhoeft failed to enforce the 14th amendment **Article VI, Paragraph 2 of the U.S. Constitution** and this Failure to enforce the equal application of Illinois Procurement laws caused the Violation of the United States Constitution by 6973 local government entities in Illinois and whatever other relief it sees fit to order..

COUNT IV

26. Mr. Henry incorporates by reference paragraphs 1 through 25 above as if fully set here.

Plaintiff Prays That This Court Orders the Illinois Attorney General to publish a detailed guideline within 90 days detailing the requirements and procedures required to waive the collective bidding process and it includes the fact that these reoccurring legal service are not special as you have 70 thousand Attorneys in the State of Illinois who can do this work. Plaintiff Prays that Illinois law is strictly enforced by 6973 Government Entities. The courts rulings clearly dictate that this can only be waived based on a detailed analysis of the scope of work and reviewed every year. Plaintiff Henry Prays

That this court enters an order instructing the Attorney General to detail in its memo that daily legal services as part of a Normal Course of Business should be bid on a yearly contract in the same format provide by Mettwa Illinois.

COUNT V

27. Mr. Henry incorporates by reference paragraphs 1 through 26 above as if fully set here.

Plaintiff Prays That This Court issues a declaratory Judgment that The Village of Orland Park Violated Illinois law and the United States Constitution and Illegally spent 6.4 million dollars of the Taxpayers money in Violation of State And Federal Law and whatever other relief it sees fit

COUNT VI

28. Mr. Henry incorporates by reference paragraphs 1 through 28 above as if fully set here.

Plaintiff Prays That This Court issues a declaratory Judgment that the Illinois Bar Association failed to supply and require continuing legal education into the proper retainer, bid process and renewal of fees in Government Contracts. In addition that it failed to investigate and Suspend the Law License of Dennis Walsh and all of the Other Lawyers working at the firm of Klein Thorpe and Jenkins and Walsh's for their failure to establish procedures to supply each client with the same service and comply with public bidding laws. And to discipline all of the Klein Thorpe and Jenkins Attorneys that caused the illegal billing and contract's with over 120 entities that caused 2.4 Million Taxpayers in the State of Illinois to be subject to legal fraud and public corruption.

___/Michael Henry/_____
Michael F. Henry
13233 Bundoran Court

Orland Park, Illinois 60462
MichaelHenry@live.com

FILED DATE: 2/14/2022 1:53 PM 20225000753

For Court Use Only

FILED
2/14/2022 1:53 PM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
20225000753
Courtroom, 0205
16695742

20225000753

Case Number

Instructions ▼

Enter above the county
name where the case
was filed.

Enter your name as
Plaintiff/Petitioner.

Enter the names of all people you are suing as Defendants/ Respondents.

Enter the Case Number
given by the Circuit
Clerk.

Michael Henry

Plaintiff / Petitioner (First, middle, last name)

V.

UNITED STATES OF AMERICA et al

Defendant / Respondent (First, middle, last name)

☐ **Alias Summons** (Check this box if this is not the 1st Summons issued for this Defendant.)

IMPORTANT INFORMATION:

There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: illinoiscourts.gov/documents-and-forms/approved-forms/.

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit illinoiscourts.gov/faq/gethelp.asp or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit illinoislegalaid.org.

Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at illinoislegalaid.org.

Plaintiff/Petitioner:

Do not use this form in an eviction, small claims, detinue, divorce, or replevin case. Use the *Eviction Summons*, *Small Claims Summons*, or *Summons Petition for Dissolution of Marriage / Civil Union* available at illinoiscourts.gov/documents-and-forms/approved-forms. If your case is a detinue or replevin, visit illinoislegalaid.org for help.

If you are suing more than 1 Defendant/Respondent, fill out a *Summons* form for each Defendant/Respondent.

In **1a**, enter the name and address of a Defendant/Respondent. If you are serving a Registered Agent, include the Registered Agent's name and address here.

In **1b**, enter a second address for Defendant/Respondent, if you have one.

In **1c**, check how you are sending your documents to Defendant/Respondent.

1. Defendant/Respondent's address and service information:

- a. Defendant/Respondent's primary address/information for service:
Name (*First, Middle, Last*): US Attorney Steven D. Weinhoeft
Registered Agent's name, if any: _____
Street Address, Unit #: 9 Executive Dr
City, State, ZIP: Fairview Heights, IL 62208
Telephone: _____ Email: _____
- b. If you have more than one address where Defendant/Respondent might be found,
list that here:
Name (*First, Middle, Last*): _____
Street Address, Unit #: _____
City, State, ZIP: _____
Telephone: _____ Email: _____
- c. Method of service on Defendant/Respondent:
- ☐ Sheriff ☐ Sheriff outside Illinois: _____
County & State
- ☐ Special process server ☐ Licensed private detective

In **2**, enter the amount of money owed to you.

In **3**, enter your complete address, telephone number, and email address, if you have one.

2. Information about the lawsuit:

Amount claimed: \$ 0.00

3. Contact information for the Plaintiff/Petitioner:

Name (First, Middle, Last): Michael Henry

Street Address, Unit #: P.O. Box 21

City, State, ZIP: Palos Park, Illinois 60464

Telephone: (708) 446-4416 Email: michaelhenry@live.com

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

Important information for the person getting this form

You have been sued. Read all of the documents attached to this *Summons*. To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: illinoiscourts.gov/documents-and-forms/approved-forms/.

Check **4a** or **4b**. If Defendant/Respondent only needs to file an *Appearance* and *Answer/Response* within 30 days, check box **4a**. Otherwise, if the clerk gives you a court date, check box **4b**.

In **4a**, fill out the address of the court building where the Defendant may file or e-file their *Appearance* and *Answer/Response*.

In **4b**, fill out:

- The court date and time the clerk gave you.
- The courtroom and address of the court building.
- The call-in or video information for remote appearances (if applicable).
- The clerk's phone number and website. All of this information is available from the Circuit Clerk.

4. Instructions for person receiving this *Summons* (Defendant):

- ☒ a. To respond to this *Summons*, you must file *Appearance* and *Answer/Response* forms with the court within 30 days after you have been served (*not counting the day of service*) by e-filing or at:

Address: 10220 S 76th Ave

City, State, ZIP: Bridgeview, IL 60455

- ☐ b. Attend court:

On: _____ at _____ ☐ a.m. ☐ p.m. in _____
Date Time Courtroom

In-person at:

Courthouse Address City State ZIP

OR

Remotely (You may be able to attend this court date by phone or video conference.

This is called a "Remote Appearance"):

By telephone: _____

Call-in number for telephone remote appearance

By video conference: _____

Video conference website

Video conference log-in information (meeting ID, password, etc.)

Call the Circuit Clerk at: _____ or visit their website

Circuit Clerk's phone number

at: _____ to find out more about how to do this.

Website

2/14/2022 1:53 PM IRIS Y. MARTINEZ

STOP!

The Circuit Clerk will fill in this section.

STOP!

The officer or process server will fill in the Date of Service.

Witness this Date: _____

Seal of Court

Clerk of the Court: _____

This *Summons* must be served within 30 days of the witness date.

Date of Service: _____

(Date to be entered by an officer or process server on the copy of this *Summons* left with the Defendant or other person.)



****Stop. Do not complete the form. The sheriff or special process server will fill in the form.****

First, Middle, Last

- (06/21)

☐ I was not able to serve the **Summons** and **Complaint/Petition** on Defendant/Respondent:

First, Middle, Last

I made the following attempts to serve the *Summons* and Complaint/Petition on the Defendant/Respondent:

1. On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.
 Address: _____
 City, State, ZIP: _____
 Other information about service attempt: _____

2. On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.
 Address: _____
 City, State, ZIP: _____
 Other information about service attempt: _____

3. On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.
 Address: _____
 City, State, ZIP: _____
 Other information about service attempt: _____

DO NOT complete this section. The sheriff or private process server will complete it.

If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the *Proof of Service of Summons* is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

By:

Signature by: ☐ Sheriff
☐ Sheriff outside Illinois:

 County and State
☐ Special process server
☐ Licensed private detective

FEES

Service and Return:	\$
Miles	\$
Total	\$ 0.00

Print Name

If *Summons* is served by licensed private detective or private detective agency:

License Number: _____

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

Case No. 21-3244

Plaintiff Michael Henry filed a *pro se* amended complaint wherein he asserted a number of claims against various Defendants, including Kwame Raoul, Attorney General of the State of Illinois. Henry alleges U.S. Attorney for the Northern District of Illinois, John R. Lausch, Jr. and the Illinois Attorney General were aware of alleged corruption regarding other Defendants, including Cook County Judge Thomas Murphy, but failed to act. Henry contends the U.S. Attorney and Attorney General Raoul were aware that Cook County Judges fix cases and take illegal

campaign contributions and, further, were aware that Defendant Mayor Keith Pekau instructed his Village law firm to file bogus lawsuits. Henry also claims that the Attorney General has failed to police corrupt Villages in Illinois and has failed to prosecute the alleged public corruption of Defendants Pekau and George Koczwara for illegal activities.

Attorney General Raoul moves under Rule 12(b)(6) to dismiss the amended complaint for failure to state a claim. The Attorney General claims the amended complaint consists solely of conclusory allegations. Moreover, Henry does not identify a source of duty for the Attorney General to act. To the extent that Henry alleges Attorney General Raoul failed to prosecute a crime, the Attorney General is entitled to prosecutorial discretion. Moreover, it does not appear that any counts are specifically directed at the Attorney General. To the extent that Henry in Counts I and II asks the Court to enjoin Defendants from moving forward with the Cook County lawsuit against him, the Court lacks the authority to enjoin state court proceedings. The Attorney General further alleges Henry's claims are barred by collateral estoppel.

II. DISCUSSION

Standard of review

At this stage, the Court accepts as true all of the facts alleged in the complaint and draws all reasonable inferences therefrom. *See Virnich v. Vorwald*, 664 F.3d

206, 212 (7th Cir. 2011). “[A] complaint must provide a short and plain statement of the claim showing that the pleader is entitled to relief, which is sufficient to provide the defendant with fair notice of the claim and its basis.” *Maddox v. Love*, 655 F.3d 709, 718 (7th Cir. 2011) (internal quotation marks omitted). Courts must consider whether the complaint states a “plausible” claim for relief. *See id.* The complaint must do more than assert a right to relief that is “speculative.” *See id.* However, the claim need not be probable: a well-pleaded complaint may proceed even if the Court believes that actual proof of those facts is unlikely, and that the chance of any recovery is remote. *See Independent Trust Corp. v. Stewart Information Services Corp.*, 665 F.3d 930, 935 (7th Cir. 2012). “To meet this plausibility standard, the complaint must supply ‘enough fact to raise a reasonable expectation that discovery will reveal evidence’ supporting the plaintiff’s allegations.” *Id.*

Prosecutorial discretion

(1)

In his amended complaint, Henry alleges that the Attorney General failed to prosecute crimes of individuals engaged in corruption. Henry claims the U.S. Attorney and Illinois Attorney General were aware of alleged corruption concerning Cook County Judge Thomas Murphy but did not act. Henry further asserts that the

Attorney General did nothing about the corrupt Villages in Illinois and has failed to prosecute the alleged public corruption of Defendants Keith Pekau and George Koczwara for illegal activities. The Court concludes that, even assuming the Attorney General was aware of alleged corruption, the Attorney General has statutory discretion in determining which actions to prosecute.

The Illinois Constitution provides that the “Attorney General shall be the legal officer of the State, and shall have the duties and powers that may be prescribed by law.” Ill. Const. 1970, art. V, § 15. The Attorney General Act provides “the duties of the attorney general shall be . . . to institute and prosecute all actions and proceedings in favor of or for the use of the state, which may be necessary in the execution of the duties of any state officer.” 15 ILCS 205/4. The legislature’s use of “may” indicates a “permissive or directory reading, whereas use of the word “shall” is generally considered to express a mandatory reading.” *People v. Robinson*, 217 Ill.2d 4353 (2005). The Illinois Appellate Court stated:

The statute indicates that the Attorney General has discretion in choosing what actions to prosecute. This discretion is necessary when considering the volume of complaints that the Attorney General receives each year. If the Attorney General were required to prosecute every complaint he or she received, this would produce a tremendous burden on the office of the Attorney General. This would also result in tax dollars wasted by forcing the Attorney General to prosecute all claims, no matter how frivolous or trivial. Fortunately, the legislature recognized this and allowed the Attorney General discretion by inserting the language “which may be necessary” into the Attorney General Act (15 ILCS 205/4 (West 2000)).

Hadley v. Ryan, 345 Ill. App.3d 297, 302 (4th Dist. 2003).

Given the discretion afforded the Attorney General in determining which actions to prosecute, it follows that he is not subject to suit for failing to bring an action. Henry alleges no source of law, such as a statute or case, requiring the Attorney General to act at the request of an Illinois citizen. Accordingly, to the extent that Henry alleges Attorney General Raoul failed to prosecute a claim, the claims will be dismissed for failure to state a claim upon which relief can be granted.

(2)

The same result is appropriate as to the claims asserted against the United States of America and the U.S. Attorney. The Government retains “broad discretion” as to whom to prosecute. *See United States v. Scott*, 631 F.3d 401, 406 (7th Cir. 2011). The decision whether or not to prosecute generally rests with the prosecutor. *See Bordenkircher v. Hayes*, 434 U.S. 357, 364 (1978). This is because “the decision to prosecute is particularly ill-suited to judicial review.” *Scott*, 631 F.3d at 406. Accordingly, “our case law embodies the long-settled principle that we safeguard prosecutorial discretion by shielding it from judicial review that either forces the prosecutor to act in a prescribed manner or penalizes the prosecutor for acting in his preferred manner.” *Id.* at 407. It is not the role of this Court to review the decision of a United States Attorney regarding whether to prosecute.

Therefore, the Court will dismiss the claims asserted against the United States and U.S. Attorney Lausch.

Other allegations

The amended complaint must also be dismissed as to the Attorney General because, except for the failure to prosecute claims in Counts I and II which are being dismissed, no other counts are directed against Attorney General Raoul. While Henry refers to “all defendants” in Count I and II, Attorney General Raoul has no involvement with the Cook County lawsuit filed against him by Defendant Village of Orland Park, which is the subject of Counts I and II. The complaint in that case which is attached to the amended complaint here shows that the Village sued Henry for nuisance, ordinance violations and violations of the Telephone Consumer Protection Act. Henry is unable to show that Attorney General Raoul is involved in the lawsuit pending in *The Village of Orland Park, an Illinois Municipal Corp. v. Michael F. Henry, and Unknown Defendants*, (Cook County No. 20205000698). Because the Attorney General is not involved in that lawsuit, Henry is unable to state a claim for enjoining him from “moving forward” with that lawsuit.

Even if the Attorney General of Illinois were part of the Cook County lawsuit, the Court has no authority under the Anti-Injunction Act, 28 U.S.C. § 2283, from enjoining that proceeding. It is apparent that none of the exceptions to § 2283 apply.

Counts III through IX are directed against Defendants other than Attorney General Raoul. Because Henry fails to state a claim with respect to any count directed at the Attorney General, the Court will grant the motion to dismiss.

Ergo, the Motion to Dismiss of Defendant Kwame Raoul, Illinois Attorney General, under Federal Rule of Civil Procedure 12(b)(6) [d/e 13] is GRANTED.

The claims against Attorney General Raoul, the United States of America and U.S. Attorney John R. Lausch, Jr. are dismissed with prejudice.

The Clerk will terminate the Illinois Attorney General and U.S. Attorney as parties.

ENTER: January 28, 2022

FOR THE COURT:

/s/ Richard Mills
Richard Mills
United States District Judge

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following document:

Notice of Removal and Attorney Designation

was sent by first class mail, postage paid, on March 2, 2022, to the following:

Michael Henry
P.O. Box 21
Palos Park, Illinois 60464

Circuit Court Clerk of
Cook County
10220 S. 76th Avenue
Bridgeview Courthouse
Room 205L
Bridgeview, Illinois 60455

s/ Ernest Y. Ling
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